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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER
KOROBOV, VITALI A

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the documents submitted by the

Applicant on 01/20/2006. Claims 1-26 are pending in this Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 6, 9-12, 16 and 19-26 are rejected under 35 U.S.C. 102(e) as

being anticipated by the U. S. Patent No. 6,289,511 issued to Hubinette, hereinafter

Hubinette.

Regarding claims 1, Hubinette teaches a method comprising: forwarding a

software package including instructions to install said software package (Col. 4, lines 44

- transmission of a software package to be installed and the accompanying instructions)

and a list of addressees to a first processor-based system (Col. 4, lines 44 -

transmission of a software package with the accompanying assignment. Col. 7, lines

26-44 - content of the accompanying assignment); and enabling said first processor-

based system to automatically install said package and automatically forward said

software package together with at least part of said list of addressees to a second

processor-based system, said second processor-based system being on said list of

addressees (Col. 9, lines 58-62 - automatic execution of accompanying scripts).

Regarding claims 2, Hubinette teaches the method of claim 1 including enabling

said first processor-based system to install said software package on said first

processor-based system, make a copy of said software package, and transmit said

software package to said second processor-based system (Col. 2, lines 35-50).

Regarding claims 6, Hubinette teaches the method of claim 1 including causing

said first processor-based system forwards said software package to said second and a

third processor-based system (Col. 7, lines 35-50).

Regarding claims 9, Hubinette teaches the method of claim 1 including

transferring said software package together with software that enables said second

processor-based system to transfer said software package to a third processor-based

system (Col. 2, lines 35-50).

Regarding claims 10, Hubinette teaches the method of claim 1 including enabling

said first processor-based system to forward said software package to said second

processor-based system during a low activity time on said first processor-based system

(Col. 7, lines 45-64 - distribution scheduling).

Claims 11 and 21 are rejected in view of the above rejection of claim 1. Claims

11 and 21 are essentially the same as claim 1, except that they set forth the invention

as an article storing instructions and a system, respectively, rather than a method, as

does claim 1.

Claim 12 is rejected in view of the above rejection of claim 2. Claim 12 is

essentially the same as claim 2, except that it sets forth the invention as an article

storing instructions, rather than a method, as does claim 2.

Claim 16 is rejected in view of the above rejection of claim 6. Claim 16 is

essentially the same as claim 6, except that it sets forth the invention as an article

storing instructions, rather than a method, as does claim 6.

Regarding claims 19, Hubinette teaches the article of claim 11 further storing

instructions that enable the processor-based system to transfer said software package

together with software that enables said first processor-based system to transfer said

software package to said second processor-based system (Col. 7, lines 25-44).

Claim 20 is rejected in view of the above rejection of claim 10. Claim 20 is

essentially the same as claim 10, except that it sets forth the invention as an article

storing instructions, rather than a method, as does claim 10.

Regarding claims 22, Hubinette teaches the system of claim 21 wherein said

device is a server (Abstract - CMS).

Regarding claims 23, Hubinette teaches the system of claim 22 wherein said

server is a network management server (Abstract - CMS).

Regarding claims 24, Hubinette teaches the system of claim 21 wherein said

device is a client (Abstract - S-NE).

Regarding claims 25, Hubinette teaches the system of claim 21 wherein said

storage stores instructions to automatically transfer the software package, the list of

addressees, and software to enable further distribution of the software package to

additional processor-based systems (Col. 2, lines 35-50).

Regarding claims 26, Hubinette teaches the method of claim 1 including enabling

said first processor-based system to automatically delete its address from the list of

addressees before forwarding said list to said second processor-based system (Col. 7,

lines 8-44. Modification of assignments by the NEs).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 3-5, 7, 8, 13-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Hubinette in view of the U. S. Patent No. 6,742,015 to

Bowman-Amuah, hereinafter B-A.

Regarding claim 3, Hubinette teaches the method of claim 2.

Hubinette does not explicitly teach the method including causing said first

processor-based system to automatically authenticate said software package.

However, B-A in an analogous art directed to providing base services in a

netcentric environment, one of these services being software distribution, teaches the

method of software distribution including causing said first processor-based system to

automatically authenticate said software package (Col. 80, lines 59-64 - session level

data authentication).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to incorporate the teachings of B-A into the teachings of Hubinette in order to provide additional features and enhancements to the software distribution system of Hubinette. Modified in such manner Hubinette is hereinafter referred to as modified Hubinette.

Regarding claims 4, modified Hubinette teaches the method of claim 3 including causing said second processor-based system to automatically authenticate said software package by sending a message to said first processor-based system (B-A, col. 80, lines 59-64 - session level data authentication).

Regarding claims 5, modified Hubinette teaches the method of claim 4 including forwarding said software package together with a checksum to enable the second processor-based system to confirm with the first processor-based system that the software package was received correctly (B-A, col. 91, lines 24-28 - error recovery using checksums).

Regarding claims 7, modified Hubinette teaches the method of claim 1 including encrypting the software package for transmission between said first and second processor-based systems (B-A, col. 80, lines 17-57 - encryption).

Regarding claims 8, modified Hubinette teaches the method of claim 7 including changing the encryption in a known fashion with each successive transfer from one to the next processor-based system (B-A, col. 80, lines 17-57 - encryption).

Claim 13 is rejected in view of the above rejection of claim 3. Claim 13 is essentially the same as claim 3, except that it sets forth the invention as an article

storing instructions, rather than a method, as does claim 3.

Claim 14 is rejected in view of the above rejection of claim 4. Claim 14 is

essentially the same as claim 4, except that it sets forth the invention as an article

storing instructions, rather than a method, as does claim 4.

Claim 15 is rejected in view of the above rejection of claim 5. Claim 15 is

essentially the same as claim 5, except that it sets forth the invention as an article

storing instructions, rather than a method, as does claim 5.

Claim 17 is rejected in view of the above rejection of claim 7. Claim 17 is

essentially the same as claim 7, except that it sets forth the invention as an article

storing instructions, rather than a method, as does claim 7.

Claim 18 does not teach or define any new limitations above claim 8, sets forth

the invention as an article storing instructions, rather than a method, as does claim 8,

and therefore is rejected under the same rationale.

4.   **Examiner's note:** Examiner has cited particular columns and line
numbers in the references as applied to the claims above for the convenience of the
applicant. Although the specified citations are representative of the teachings of the art
and are applied to the specific limitations within the individual claim, other passages
and figures may apply as well. It is respectfully requested from the applicant in
preparing responses, to fully consider the references in entirety as potentially teaching
all or part of the claimed invention, as well as the context of the passage as taught by
the prior art or disclosed by the Examiner.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-26 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Applicant is reminded that in amending in response to a rejection

of claims, the patentable novelty must be clearly shown in view of the state of the art

disclosed by the references cited and the objection made. Applicant must show how

the amendments avoid such references and objections. See 37 CFR § 1.111(c).

7.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Vitali Korobov whose telephone number is 571-272-

7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

04/14/2006
VAK

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER